

Town of Royalston

Royalston, Massachusetts 01368



GENERAL BY-LAWS

2005

TOWN OF ROYALSTON GENERAL BY-LAWS

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ALL GENERAL BY-LAWS PASSED BY A VOTE AT TOWN MEETINGS AND REVIEWED BY THE OFFICE
OF THE ATTORNEY GENERAL OF MASSACHUSETTS

This version of the By-Laws was created with Microsoft Word and is correct as of December 21,2005. The edition of this version of the By-Laws can be identified by footer and page numbering. This version includes amendments approved at the 2004 Annual Town Meeting, approved by the Attorney General November 21, 2005, and posted December 21, 2005.

GENERAL BY -LAWS OF THE TOWN OF ROYALSTON, MASSACHUSETTS, 1979

1. Validity. The invalidity of any section or provision of these By-Laws shall not invalidate any other section or provision thereof. All by-laws are consistent with MGL as approved by the Attorney General.
2. Applicability. Where the application of these By-Laws imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of these By-Laws shall control.

ARTICLE I. GENERAL PROVISIONS

SECTION 1. The following provisions shall constitute the general by-laws of the Town of Royalston, and may be referred to as the "General By-Laws of the Town of Royalston, Massachusetts, 1979". These By-Laws, to the extent approved by the Attorney General, shall take effect on the first day of the calendar month next after such approval and after publication and posting or distribution as required by law.

SECTION 2. The adoption of these By-Laws shall not affect any act completed, in process, or pending, any right accrued or established, any outstanding penalty or liability or suit incurred, or any prosecution, or proceedings heretofore taken or instituted at the time these By-Laws take effect.

SECTION 3. These By-Laws may be added to, altered, amended or repealed at any town meeting by a majority vote of the voters present and voting at such meeting, unless otherwise provided by law, providing the warrant for such meeting shall contain an article or articles for that purpose.

SECTION 4. When a By-Law prohibits any act from being done or condition maintained without a license or permission of a certain officer, officers, or board, such officer, officers or board shall have the power to issue a license or permit therefor. Unless specified otherwise in a By-Law or Statute, or fixed by the appropriate municipal officer or employee pursuant to G.L. c.40, §22F, a fee of five (\$5.00) dollars shall be charged for each permit or license. The municipal officer or employee may waive such fee when appropriate. *(Amended at ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 5

- a) Whoever violates any provision of these by-laws may be penalized by indictment or on complaint brought in the district court. Except as otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in this manner, shall be three hundred dollars.
- b) Whoever violates any provision of these by-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty.
- c) Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws and sections of by-laws are to be included within the scope of this subsection, that the penalty for violation of the by-laws, or of any rule or regulation of any municipal officer, board or department shall be \$50.00 (fifty dollars) unless otherwise specified in such by-law, rule or regulation, and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day after the tenth day that notice of violation is received, on which any violation exists shall be deemed to be a separate offense. *(Amended at ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 6. All fines, penalties and forfeitures for the violation of any By-Law shall be paid into the town treasury, and credited to the Excess and Deficiency Fund, unless otherwise provided by law, including, but not limited to, by some By-Law of the town.

SECTION 7. The following fee schedule shall be in effect as of 9/22/2000.

Filing and indexing assignment for the benefit of creditors	5.00
Filing certificate of person conducting business under any title other than his/her real name (D.B.A. certificate	10.00
Filing by a person conducting business under any title other than his/her real name, Statement of change of his/her residence or of his/her discontinuance, retirement, or withdrawal from or of a change of location of such business	5.00
Furnishing a certified copy of certificate of person conducting business under any Title other than his/her real name. A statement by such person of his/her discontinuance, Retirement, or withdrawal from business	3.00
Issuing and recording license to Junk Dealer	100.00
Issuing and recording license to Junk Collector	50.00
Trailer Permit	100.00
Issuing and recording entertainment license, annual fee per establishment with exception of Sunday entertainment.	50.00
Sunday entertainment license for an establishment	25.00
Sunday entertainment license for outside an establishment (per event)	25.00
Recording power of Attorney	5.00
Recording order granting location of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cables or attachments under the provisions of section 22 of Chapter 166----flat fee	25.00
Each additional street or way	5.00
Receiving and filing a complete inventory of all items to be included in a “closing out sale” Etc., per page (such as bankruptcy or business liquidation) Per page	2.00
Filing a copy or written instrument or declaration of trust by the trustees of an association trust, or any amendment thereof as provided by Section 2, Chapter 182	10.00
Recording deed of lot or plot in a public burial place	5.00
Recording any other documents. First page	2.00
Each additional pages	2.00
Entering amendment of record of birth of an illegitimate child subsequently legitimized	5.00
Correcting records of birth, death or marriage.	5.00
Furnishing a certificate of birth, death or marriage	5.00
Furnishing a abstract record of birth, death or marriage	2.00
Entering a delayed record of birth	5.00
Entering a notice of marriage and issuing certificate thereof	10.00
Entering a certificate of marriage filed by persons married out of the Commonwealth	3.00

ARTICLE II. THE CALL AND NOTICE TO TOWN MEETING

SECTION 1. Notice of every town meeting shall be given by posting an attested copy of the warrant therefor at the Town Hall and at not less than three other public places in the Town seven days prior to the day named in the warrant for the meeting. The warrant must be posted fourteen (14) days before a special town meeting.

SECTION 2. The officer or person appointed to serve the warrant for a town meeting shall, immediately after making the service thereon, deliver to the Town Clerk the original warrant, with his return endorsed thereon stating fully the manner in which he served the same.

SECTION 3. As amended the annual election of town officers shall be held on the first Monday in April and the annual town meeting for appropriations and other business on Friday after the first

Monday in May at 7:00 pm; all Town Meetings will be held at 7:00 p.m. **(Amended 9/22/2000 - Approved by Attorney General January 16, 2001)*

ARTICLE III. PROCEDURE AT TOWN MEETINGS

SECTION 1. If the Moderator, or the meeting by vote, so orders, only registered voters shall be admitted to the place of meeting or to a defined portion thereof. The checklist of registered voters shall be used in the enforcement of such an order.

SECTION 2. The procedure in town meetings, when not prescribed by law of the Commonwealth or by these By-Laws, shall be determined by the rules of practice contained in the "Town Meeting Times", edited by Geoffrey Bolton of Shirley, Massachusetts. (1999).

SECTION 3. All articles in the warrant shall be acted upon in their numerical order, unless the meeting by vote shall otherwise determine.

SECTION 4. All motions submitted for consideration of the Town shall be in writing, if required by the Moderator.

SECTION 5. All votes, unless otherwise provided by law, shall be taken in the first instance by a show of hands. If the Moderator is in doubt as to the result of the vote, or if a registered voter immediately doubts the vote, the Moderator shall call either for a standing vote or for a vote by ballot or by use of the checklist, as the Moderator may determine.

SECTION 6. No person shall address the meeting unless recognized by the moderator.

SECTION 7. Without first obtaining leave of the meeting, no person shall speak more than twice on any question except to correct a mistake, or misstatement or to make an explanation, and no person shall speak more than five (5) minutes at anyone time without being again recognized by the Moderator.

ARTICLE IV. ADVISORY COMMITTEE

SECTION 1. There shall be an Advisory Committee consisting of the Chairman of the Selectmen, Overseers of the Poor, Board of Assessors; and one Royalston member of the Athol-Royalston Regional School Committee (appointed by the selectmen), Chairman of the Capital Planning Committee *(as amended 9/22/00 approved by Attorney General 1/16/01)*, Town Accountant and five other members-at-large who shall be appointed for one year by the Moderator of the annual meeting within ten days thereafter. One member-at-large shall be elected chairman.

SECTION 2. Duties. On request of the Selectmen prior to any Town meeting the Advisory Committee shall consider any article in a warrant for a town meeting contemplating, directly or indirectly, the expenditure of funds and shall make its recommendation as to any such articles to the Town meeting. The Advisory Committee shall have access to all Town books of account and books of record and all accounts, bills and vouchers on which money has been or may be paid from the Town Treasury, except as otherwise provided by law. The Advisory Committee may request any town officer, employee, board or committee to meet and confer with them and may hold hearings if they deem it advisable. The Advisory Committee shall review the proposed Town budget and submit such recommendations thereon to each annual Town meeting as it may deem advisable, and may submit such further reports and recommendations as in its judgment should be brought to the attention of the Town.

ARTICLE V. TOWN OFFICERS

SECTION 1. BOARD OF SELECTMEN

A. Except as otherwise provided by law or by vote of the Town, the Selectmen shall have full and exclusive authority to attend to the legal affairs of the Town including the institution, defense and participation in legal actions, suits in equity and other proceedings, the compromise and settlement of claims by and against the

Town, the appointment of a member of the bar as Town Counsel and determinations of his term of office, and the employment of special counsel; provided, however, that no claim or action against the Town, unless reduced to the form of an execution or decree of court, shall be compromised or settled by the payment of any amount in excess of five hundred (500) dollars without a special vote of the Town.

B. The Board of Selectmen shall submit to each annual town meeting a proposed budget showing in detail the appropriations it recommends that the Town should make for the year. The budget shall be reviewed by the Advisory Committee prior to the annual town meeting.

C. Whenever it shall be necessary to execute any deed conveying land or other instrument required to carry into effect any vote of the Town, the same shall be executed by the Selectmen in behalf of the Town, unless the Town shall otherwise vote in any particular case.

D. The Selectmen shall cause to be printed and made available each year an annual town report containing all material required to be included therein by law or by direction of the Town from time to time, the annual reports of the Town officers, boards and committees; a copy of the records of the town meetings, annual and special, held during the preceding year including the warrants for such meetings and the action taken on the various articles therein; a statement of all devises, bequests and donations to the Town during the preceding year; a list of all laws of the Commonwealth accepted by the Town, which shall state the date of acceptance of each such law; all by-laws or changes in existing by-laws adopted by the Town since the preceding annual report; copies of the laying out, alteration, locating a new or discontinuance of any highway or town way within the limits of the Town during the preceding year; and a statement of all outstanding bonds, notes and obligations of the Town for the payment of money. The Selectmen may include such other material as they see fit in the annual town report or publish such material separately.

SECTION 2. TOWN CLERK

A. The Town Clerk shall furnish all boards, committees and officers with a certified copy of any vote affecting their respective powers or duties within six days after the date of such vote. The Clerk shall also, within six days after any election, in addition to the notices he may be directed to give to officers who are required to take an oath of office, issue a written notice to all persons who have been elected to any other office, or chosen to serve on any committee, stating the office to which such person has been elected, or the duties which such committee was chosen to perform.

B. The Town Clerk shall see that every conveyance to the Town of any interest in and, except as otherwise provided by law, is duly recorded in the proper registry therefor, and he shall have the custody of all such recorded instruments after the same are returned from the registry. The Clerk shall keep a true copy of all deeds or conveyances executed in behalf of the Town. The clerk shall keep an index of all such instruments.

C. The Town Clerk shall not allow original papers or documents of the Town to be taken from the office, except by authority of law or as they remain in his custody.

D. Whenever a regulation, rule or order of general application, or an amendment thereto, is passed by a town board or officer, a copy duly certified shall be filed in the Town Clerk's office where it shall be available for public reference.

E. The Town Clerk shall establish regular hours during which she/he shall be available for the conduct of Town business, and shall post a notice of such hours at the Town Hall and at not less than two other public places within the town.

F. The Town Clerk shall publish a notice of the time and place of every town meeting in one or more newspapers of general circulation, at least seven days prior to such meeting.

G. All officers, boards and committees of the Town shall file their annual reports with the Town Clerk in form suitable for printing on or before the date designated by the Selectmen.

SECTION 3. TOWN TREASURER

A. Except as otherwise provided by law, the Town Treasurer shall have custody of bonds, contracts, insurance policies, and other similar documents owned by the Town, except that the bond given by the Treasurer to the Town shall be in the custody of the Selectmen.

B. The Town Treasurer shall make an annual report which shall contain a statement of the amount of money received and paid out during the year; a full exhibit of all moneys, properties and securities which may be

placed in his charge by virtue of any statute or by-law, or by virtue of any gift, devise, bequest or deposit; a list of all notes issued during the year, showing the purposes for which the money was borrowed, and giving the date, term, rate of interest, time of maturity and the premium, if any received thereon; a list of all notes paid during the year; and a list of all outstanding notes, with the dates on which they will mature. The report, however, need not contain such details as are required by law to be shown in the report of the Town Accountant.

C. **(The Town voted at STM on September 22, 2000 that:)* The Treasurer shall be appointed by the Board of Selectmen for a 3 year term appointed on a calendar year basis. *(Approved by the Attorney General's office on January 16, 2001, and accepted by Town at April 2001 Annual Election).*

SECTION 4. TAX COLLECTOR

A. The Tax Collector shall have stated hours for the transaction of business.

B. The Tax Collector shall collect, under the title of Town Collector, all accounts due the Town.

C. The Tax Collector's position shall be for a three year term of office beginning with the annual election in 1986. **(Approved by the Attorney General on July 17, 1985) *Amended September 22, 2000 to read as follows: Voted to change position of Tax Collector to an appointed position; appointed by the Board of Selectmen for a 3 year term appointed on a calendar year basis. (Approved by the Attorney General's office on January 16, 2001, and accepted by Town at April 2001 Annual Election).*

D. The Tax Collector shall be allowed to keep the fees for issuing Certificate of all taxes and other assessments (Municipal Lien Certificates) as provided for in Chapter 60, Section 23 of the M.G.L.

SECTION 5. ASSESSORS

(Approved by the Attorney General on November 19, 1985)

Beginning in 1978, and every five years thereafter, the Assessors shall cause to be printed and made available in the annual town report for that year, or in a separate pamphlet, a complete list of both real and personal property, other than motor vehicles, taxed during the year covered by said annual town report, together with the valuation thereof as determined by the Assessors.

ARTICLE VI. TOWN COUNSEL

The Selectmen must approve all requests to access Town Counsel. It shall be the duty of Town Counsel to give legal advice to the Town. *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

ARTICLE VII. CONTRACTS

**(Amended at STM on January 9, 2004 and approved by Attorney General 12/8/04.)*

Every officer or board in charge of a department, and every committee of the Town, when authorized to purchase any services, supplies or property, where the estimated cost of which exceeds five thousand (\$5,000.00) dollars, shall make a written specification by advertising in one or more newspapers, and circulated In the Town, with statement of time and place for opening such bids, and reserving the right of such officer, board or committee to reject any or all bids received, for reasonable cause. The Board of Selectmen retains the sole authority to award contracts and/or bids.

ARTICLE VIII. TRAILERS

No person shall install, erect or occupy for either residential or business purpose a trailer or mobile home other than in a duly licensed trailer or mobile home park, except as hereinafter provided.

The Selectmen, after a public hearing may grant a permit for temporary occupancy not to exceed thirty (30) days or if said Board is satisfied that the proposed trailer or mobile home will be replaced with a permanent structure containing not less than 768 square feet of floor area of living space within one year, said temporary permit may be granted for a period of up to one year. At the

expiration of said period the trailer or mobile home for which such temporary permit was granted shall be removed from the Town. Nothing contained herein shall apply to any trailer or mobile home located within the Town on the date that this By-Law shall become effective or to replacement on the same lot of any trailer or mobile home located within the Town on such date. (Enforcing Person for purposes of non-criminal disposition: Building Inspector) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

ARTICLE IX. SOIL REMOVAL

No person shall remove any soil, loam, sand, or gravel from any land not in public use without written permission of the Board of Selectmen, except incidentally to the construction or alteration of buildings thereon, or in connection with the improvement of said land by planting, landscaping, or grading. The Board may include in the permit such reasonable conditions as it may deem necessary for the protection of the neighborhood, including conditions as to distance from highways where removal operations shall be allowed, the method of removal, the reestablishment of ground levels and grades, and the planting of the area to suitable cover. (Enforcing Person for purposes of non-criminal disposition: Building Inspector) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

ARTICLE X. POLICE REGULATIONS

SECTION 1. Every person operating or in charge of an automobile, motorcycle, or other vehicle within the limits of any public way, park, or other public property in the Town shall, upon request of any constable or police officer, forthwith move the same as directed by said officer.

SECTION 2. No person shall disturb the peace, obstruct traffic, or perform malicious mischief within the limits of any public way, park or other public property in the Town.

SECTION 3. No person shall fire or discharge any firearms or explosives of any kind within the limits of any public way, park, or other public property without first obtaining a written permit therefor from the Selectmen; provided, however that this By-Law shall not apply to the lawful defense of life or property, nor to any discharge of any firearms in accordance with the law.

SECTION 4. No person shall place, or cause to allow to be placed, any poster, handbill, notice, figure, drawing, writing or advertising matter of any nature, on or otherwise deface any wall, fence, tree, pole, post, sidewalk, building, or structure within the limits of any public way, park, or any other public property in the Town, without first obtaining a written permit therefor from the Selectmen. (Enforcing Person(s) for purposes of non-criminal disposition: Building Inspector, Board of Selectmen, Tree Warden) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 5. No person shall distribute or display commercial or advertising matter of any nature, including in this term handbills, placards, and pamphlets within the limits of any public way, park, or other public property in the Town, without first obtaining a written permit therefor from the Selectmen. (Enforcing Person(s) for purposes of non-criminal disposition: Building Inspector, Board of Selectmen) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 6. No person shall sell, or display or advertise for sale, any articles, goods, ware, or merchandise of any description whatsoever within the limits of any public way, park or other public property without first obtaining a written permit therefor from the Selectmen. (Enforcing Person(s) for purposes of non-criminal disposition: Building Inspector, Board of Selectmen) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 7. No person shall operate a loud speaker or sound truck for advertising or commercial purposes within the limits of any public way, park or other public property in the Town, without first obtaining a written permit therefore from the Selectmen.

SECTION 8. No person shall use any bell, horn or other instrument, or utter any boisterous outcry, for the purpose of making a sale of any article within the limits of any public way, park or other public' property in the Town without first obtaining a written permit therefore from the Selectmen.

SECTION 9. No person shall cut, prune, or trim any trees, shrubs, or plants within the limits of any public way, park, or other public property, whether for the purpose of erecting poles and wires thereon or otherwise, without the consent in each instance of the tree warden, or on any private property without the consent of the owner thereof. (Enforcing Person(s) for purposes of non-criminal disposition: Tree Warden) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 10. No person shall throw, scatter, or place, or cause or permit to be thrown, scattered or placed, within the limits of any public way, part, or other public property or in any public building, or on any private property belonging to some other person, except with the consent of the owner thereof, any nails, spikes, metal, tin cans, glass, crockery, dirt, stones, ashes, garbage, papers, shavings or other combustible matter, or any form of rubbish, filth, refuse or waste material, whether or not enumerated herein.

SECTION 11. No person shall collect or otherwise deal in junk, old metals, or second-hand articles, without a written permit granted by the Selectmen.

SECTION 12. No person shall be permitted to establish and maintain an automobile graveyard within the Town. Three or more unregistered junk vehicles shall constitute a graveyard for the purpose of this paragraph.

SECTION 13.

(Amended ATM 2004, approved by the Attorney General November 21, 2005)

No individual or entity shall allow or permit two (2) or more unregistered motor vehicles, to be placed or set, open to public view within 150 feet of a public way or within 50 feet of a property line, on premises within the Town, unless said premises are licensed under and in compliance with Chapter 140, Section 54 and 57 of the General Laws of the Commonwealth of Massachusetts, unless authorized to do so by a written permit issued by the Board of Selectmen.

This Bylaw shall not apply to:

1. Motor vehicles in use for agricultural, horticultural or forestry purposes;
2. Motor vehicles set or placed on premises of gasoline service stations waiting for repairs;
3. Up to three (3) unregistered motor vehicles on premises of an automobile repair business;
4. Up to two (2) unregistered antique motor vehicles being restored on the premises. and
5. Vehicles registered for seasonal work. (Enforcing Person(s) for purposes of non-criminal disposition: Building Inspector)

SECTION 14. The DPW Supervisor or Supervisor's designee shall have authority, for the purpose of removing or plowing snow or removing ice from any public way, to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, and the owner of such vehicle shall be liable to the Town for the cost of such removal and storage if so notified. No person shall place, or cause to be placed, snow in a public way with a shovel, snow blower, snow plow, or any other means. (Enforcing Person(s) for purposes of non-criminal disposition: DPW Supervisor or Supervisor's designee)*(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 15. No person shall remove, extinguish, injure or destroy any street light, or any light placed to warn the public against an obstruction or defect in any public street or way, without authorization from those having charge thereof.

SECTION 16. No person shall obstruct the free and convenient use for travel of any public way or sidewalk without a written permit therefor from the Board of Selectmen.

SECTION 17. No person, except when acting under orders of the DPW Supervisor in the lawful performance of his duties, shall break or dig up the ground in any public street or way without first obtaining a written permit therefore from the Board of Selectmen. All persons acting under such permit shall maintain a suitable barrier or guard around the part of the street or way so broken up and shall keep suitable lights exposed every night from sunset to sunrise so long as such street or way shall remain unsafe for travelers. Upon the completion of such work the surface of such street or way shall be restored. (Enforcing Person(s) for purposes of non-criminal disposition: DPW Supervisor, Building Inspector) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

A. No person shall create an access road, driveway, or in any way alter an existing driveway or access road, with a width of more than six (6) feet abutting Town owned property or a public way without first obtaining a permit from the DPW Supervisor.

B. No person shall discharge into any drain or sewer inlet, manhole or catch basin, any matter or thing which may tend to cause an obstruction therein or any injury thereto.

C. No person shall suffer or permit any water or other liquid substance to run or be discharged from any building owned or occupied by him, or under his control into or across any street or sidewalk or footpath.

D. No person shall give, or cause to be given, any show or exhibition within the limits of any public way, park or other public property in the Town or solicit or receive any compensation or contribution therefore from bystanders of the public without a written permit therefor from the Selectmen.

E. The provisions of this Article shall not be applicable where other provisions are made by the Laws of the Commonwealth relating to public ways or public shade trees.

F. No vehicle may be parked on a public way between the hours of 12 midnight and 6 AM between November 1 and April 1, or as otherwise determined by the DPW Supervisor.

SECTION 19. No person shall allow debris to be left from burned or demolished buildings on his property more than 90 days from date of fire or demolishing. (Enforcing Person(s) for purposes of non-criminal disposition: Building Inspector) *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 20. No person shall break down or remove any stone wall, or portion thereof, on or abutting Town property, including roads, without written permission of the Conservation Commission; except that a single opening not more than 25 feet in width may be made for any driveway leading to a residence; or two openings each 25 feet wide for a U-turn driveway. If the home owner desires, 100 feet of stone wall may be removed in front of a dwelling.

**(Amendment inserting the following sentence was voted at STM September 22, 2000 and approved by the Attorney General on January 16, 2001): Any additional stone wall removal requires written permit from the Conservation Commission. In issuing permits, the Conservation Commission may require that any portion of a wall, which is removed, be replaced within a specified period of time. *(Amendment inserting the following sentence was voted at ATM 2004 and approved by the Attorney General on November 21, 2005)*(Enforcing Person (s) for purposes of non-criminal disposition: DPW Supervisor, Building Inspector)

SECTION 21. No alcoholic beverages as defined by Massachusetts General Laws, Chapter 138, shall be consumed on any public lands or ways under the control of the Town of Royalston, nor shall any alcoholic beverages be consumed either in or on any other properties owned or controlled by the Town of Royalston unless a duly authorized permit in writing is granted by the Board of Selectmen of the Town of Royalston, specifying the purpose, time and place designated for such consumption. Any person(s) found to be in possession of any open container or other vessel containing alcoholic beverages in or on the properties described in above shall be deemed in violation of this by-law. This by-law/rules and regulations will be enforced by the Police and Constables of the Town of Royalston under the authority granted by Chapter 218, Section 26, of the Massachusetts General Laws, as amended, and violators therefore may be prosecuted in the District Court. Any person(s) who violates this by-law may be arrested without a warrant in the place where the offense is committed pursuant to Massachusetts General Laws, Chapter 272, and Section 59. The penalty for such violation of this by-law shall be a fine not to exceed Two Hundred Dollars, which may be recovered upon complaint before the District Court and shall ensure to the Town of Royalston, all in accord with Chapter 40, Section 21, of the General Laws of Massachusetts.

No person shall use any controlled narcotic drugs within the limits of any public way, park or other property in the Town.

ARTICLE XI. ANIMAL CONTROL REGULATIONS

SECTION 1. Definitions of Terms.

A. As used in this Article, unless, the context otherwise indicates:

- 1) "Dogs" shall mean all animals of canine species, both male and female.
- 2) "Owner" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog as herein defined.
- 3) "Keeper" shall mean any person, corporation or society, other than the owner, harboring or having in his possession any dog.
- 4) "Run-at-large" shall mean free of restraint and permitted to wander on private or public ways and property at will.

SECTION 2. Permitting a Dog to Run at Large

A. No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run at large within the Town of Royalston, except that a dog may, for the purpose of sporting events, such as hunting, field trials or training purposes, be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport.

B. Dogs may be taken from the owner's premises, provided that such dogs are on a leash or under control of the owner or keeper.

SECTION 3. Impounding

It shall be the duty of the dog officer to apprehend any dog found unrestrained and running at large and to impound such dog in a suitable place, or to order the owner or keeper thereof to restrain the dog.

SECTION 4. Notice to Owner and Release

If such dog so impounded has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the dog officer shall immediately notify the owner, and if the owner is not known, then no notice shall be necessary. The owner of any dog so impounded may reclaim such dog upon the payment of a five-dollar, plus care and custody fees as determined by the Town. If the dog is not licensed, then before release to any person, a license as required by the State Law shall be secured.

SECTION 5. Disposition of Funds

The sums collected pursuant to the provisions of this Article shall be accounted for and paid to the Town Treasurer. However, under the provisions of the State Law, the dog officer shall be entitled to all fees paid to him for the care and custody of impounded dogs by the owners thereof.

SECTION 6. Disposition of Unclaimed Dogs

Any dog that has been impounded and has not been redeemed by the owner within ten days shall be disposed of as provided by Section 152, Chapter 140 of the General Laws of the Commonwealth of Massachusetts and any amendments thereto.

SECTION 7. Penalty

Any owner or keeper found in violation of any of the provisions of this Article, shall be subject to a fine.

A. Dogs running at large not more than fifteen dollars.

B. Failure to license not more than twenty-five dollars.

C. Failure to vaccinate for rabies not more than fifty dollars.

Further, if the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of this Article. * *Fees amended Approved by the Attorney General 10/8/1997.*)

SECTION 8. Enforcement

The dog officer or officers duly appointed shall enforce the provisions of this Article relating to dogs, and shall attend to all complaints or other matters pertaining to dogs in the Town of Royalston.

SECTION 9. License Fees

Notwithstanding any provisions of Section 139 of Chapter 140 of the General Laws to the contrary, the fee for every dog license issued by the Town of Royalston, except as otherwise provided in the General Laws, shall be ten dollars for a male or female dog older than ten months, unless a certificate of a registered veterinarian who performed the operation stating that said male dog has been neutered or said female dog has been spayed and has thereby been deprived of the power of propagation, has been shown to the Town Clerk, in which case the fee shall be six dollars. All dogs will be licensed annually by March 31. Kennel license fees will remain at Worcester County rates. No fee shall be charged for a license for a specially trained service dog.

SECTION 10. Alternative procedure under General Laws, Chapter 140, Section 173A

Notwithstanding any provisions of the General Laws to the contrary, any dog officer who takes cognizance of a violation of:

A. This article as amended, as it pertains to dogs running at large.* *Amended to read:* To include Section XIA, Licenses, XIB, Vaccination of Dogs and cats against rabies. *(Approved by Attorney General 10/8/1997.)*

B. Failure to license dogs pursuant to General Laws, Chapter 140, Section 137, failure to acquire kennel license pursuant to General Laws, Chapter 140, Section 137A.

C. Failure to vaccinate against rabies pursuant to General Laws, Chapter 140, Section 145B, may issue or mail a Notice of Complaint of Violation of Municipal Dog Control Law to the owner or keeper of such dog or dogs, and if the owner or keeper of such dog or dogs, is a minor, the parent or guardian of such minor shall be held liable for any violation of this Article. The procedure set forth above shall also include the provisions of Paragraphs 2 through 4 of General Laws, Chapter 140, Section 173A as amended.

ARTICLE XII. STREET NUMBERS

SECTION 1. Street numbers shall be attached to each dwelling, business, industry, and other buildings in the Town of Royalston.

A. The number shall be made of permanent, weather-proof materials, in contrasting color, shall be at least three inches in height, and shall be clearly visible from the street or roadway upon which the structure fronts. The owner of the house may post the number on a suitable support at the entrance to the driveway that services such structure.

B. Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.

C. The numbers posted shall be those assigned to each structure by the Fire Chief and filed in the office of the Town Clerk. The Inspector of Buildings and the Fire Chief shall advise the owners of property of the assigned or reassigned number in writing at the property's tax address.

ARTICLE XIII. RECYCLING

Recycling shall be mandatory for all persons using the landfill. All trash must be separated as required by the Board of Health. A fine of not more than \$25.00 may be imposed by the Board of Health or persons designated by the Board of Health for violations of this by-law.

ARTICLE XIV. BUILDING/DEMOLITION SIGN OFF

That all residents and future residents be required to notify all pertinent boards of the Town prior to building, renovating, demolishing, using the sign off sheet that has been drafted by the Building Inspector.

ARTICLE XV. AUTOMATIC ALARMS

SECTION 1. DEFINITIONS.

A. Alarm Device: Any device which when activated by a criminal act, fire or other emergency calling for Police or Fire Department response: (a) transmits a signal to Police or Fire Department headquarters; (b) transmits a signal to a person who relays information to Police or Fire headquarters; or (c) produces an audible or visible signal to which the Police or Fire Department are expected to respond. Excluded from this definitions and the scope of this By-Law are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

B Alarm User: The owner of any premises on which an alarm device is used, provided that an occupant, who expressly accepts responsibility for an alarm device by registration pursuant to Section 2, shall be deemed the alarm user.

C. Automatic Dial Alarm: A telephone device or attachment that mechanically or electronically selects a telephone line to Police or Fire headquarters and reproduces a prerecorded voice message to report a criminal act, fire or other emergency calling for Police or Fire Department response. Excluded from this definition are devices, which relay a digital-coded signal to Police or Fire headquarters.

D. Contractor: Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

E. False Alarm: Any activation of an alarm device to which the Police or Fire Department responds and which is not caused by a criminal act, fire or other emergency, except an activation caused by (1) malfunction of telephone company equipment or lines as verified by monitoring facilities at Police or Fire headquarters, or (2) power failure as verified by the Fire or Police Chief. A series of such activations attributable to the same cause and occurring under circumstances beyond the control of the responsible alarm user shall be deemed a single false alarm.

F. Trailer: For the purposes of this Section, the term trailer refers to a trailer designed for temporary living quarters that are registered and capable of being towed by a motor vehicle. Trailer homes, which are permanently mounted on a foundation or that, are no longer mobile for any other reason are specifically excluded from this definition.

SECTION 2. REGISTRATION REQUIRED

Each alarm user shall register his alarm device or devices with the Fire and Police Chiefs prior to use; provided that alarm devices in use as of the effective date of this By-Law shall be registered no later than sixty (60) days from such site.

SECTION 3. REGISTRATION PROCEDURE

A. Alarm device registration shall be accomplished by filling out a form provided by the Fire or Police Chief to include such information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, and the third-party-key-holder, if any. For alarms designed to alert the Police Department, the alarm user shall return the completed registration form to the Police Chief. For alarms designed to alert the Fire Department the alarm user shall return the completed registration form to the Fire Chief. The applicable Chief shall issue the alarm user written acknowledgment of proper registration.

B. It shall be the responsibility of each alarm user to notify the applicable Chief in writing of changes in the registration information.

C. Copies of all alarm registrations will be made available to the Chiefs of both the Fire Department and the Police Department.

D. * *Amendment to read as follows: "All alarms must be registered every fiscal year beginning July 1st and no later than July 31. (Approved by Attorney General 3/3/2000.)"*

SECTION 4. CONFIDENTIAL INFORMATION

All information in the possession of the Police Department or the Fire Department concerning particular alarm users and particular alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

SECTION 5. AUTOMATIC DIAL ALARM

No automatic dial alarm may be installed after the effective date of this By-Law without the prior approval of the Fire or Police Chief.

SECTION 6. FALSE ALARM CHARGE

When the Chief of the Fire or Police Department determines that the Police Department or Fire Department has responded to a false alarm they shall impose a charge on the responsible alarm user or users according to the following schedule:

* *Amended to read: "All unregistered alarms responded to, regardless of reason for activation, the responsible home/business owner will be charged \$25.00 for each activation." (Approved by Attorney General 3/3/2000).*

- | | |
|---|---------|
| A. From one (1) to three (3) such alarms | \$0.00 |
| B. For the fourth and subsequent such alarms... | \$25.00 |

SECTION 7. NOTIFICATION AND APPEAL

A. False Alarm Charges.

1. The Fire or Police Chief shall notify the responsible alarm user of any false alarms charged by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Chief information to show that the alarm was not a false alarm within the meaning of this By-Law.

2. The Chief shall consider such information, reaffirm or rescind the false alarm charges, and notify the alarm user of his decision by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Selectmen an appeal, in writing.

B. Appeal to the Alarm Appeal Board.

Upon receipt of a timely appeal from a false alarm charge, the Selectmen shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user making the appeal at his-.last known address at least fifteen (15) days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if it finds the charge was not properly imposed.

C. Notice to Include Instructions.

Each notice of a false alarm charge or the reaffirmation of such a charge by the Fire or Police Chief shall refer to and provide instruction concerning the alarm user's right to further recourse by filing an appeal with the Board of Selectmen.

SECTION 8. CHARGES AND FEES PAID INTO GENERAL FUND

Charges for false alarms and appeal fees, if any, will be collected by the Town Treasurer and deposited in the general funds. *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 9. TOWN ASSUMES NO RESPONSIBILITY FOR ALARM DEVICES

Notwithstanding the provisions of this By-Law, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy or operation or maintenance of any alarm device or of the alarm monitoring facilities at Police or Fire headquarters. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for failure to respond to alarms or for any other act of omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm users alarm device.

SECTION 10. EXCEPTIONS

The provisions of this By-Law shall not apply to alarm devices on premises owned or controlled by the Town, or to alarm devices installed in a motor vehicle or trailer. *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

SECTION 11. SEVERABILITY

The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts. *(Amended ATM 2004, approved by the Attorney General November 21, 2005)*

ARTICLE XVI. DEPARTMENT OF PUBLIC WORKS

(Passed to be enacted by House of Representatives, October 7, 1996. Approved by the Attorney Generals Office, June 2, 1997.)

An Act Establishing a Department of Public Works in the Town of Royalston. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be established in the Town of Royalston a Department of Public Works, hereinafter called the department, which shall be under the jurisdiction of the Board of Selectmen.

SECTION 2. The Board of Selectmen shall appoint and fix the compensation of a Supervisor of Public Works, whose qualifications, powers and duties shall be determined and prescribed by said board, and who shall be responsible to said board. The director shall have full authority for carrying

out the policies of said board and over the operations of the department, and may be removed for just cause only by a vote of the board.

Amended to read as follows: The Board of Selectmen may combine the position of the Director of Public Works and Highway Superintendent into a single full-time position titled Supervisor of Public Works. This position will have managerial responsibility for the Department of Public Works. The Supervisor of Public Works may engage other professional services as needed to implement the reorganization of the Department including outside consultants subject to the approval of the Board of Selectmen and funded by additional appropriations. *(Approved by Attorney General, 9/3/99.)*

SECTION 3. The department shall be responsible for the functions of the existing Highway Department and shall assume responsibility for upkeep and maintenance of all town owned buildings, parks and other properties; operation and maintenance of the waste water treatment system; the water system at such time as it may revert to the town; for landfill site; for monitoring and final closure operations at the landfill; and for contract maintenance of the town cemeteries. The Cemetery Commissioners, Sewer Commissioners and Board of Health will continue to exercise their respective responsibilities with regard to administering policies under their control or as established by statute or Town by-law.

SECTION 4. This act shall constitute a general by-law of the Town of Royalston, and any further changes in the composition or administration of the Department of Public Works shall be accomplished by amendments to said by-law in the manner prescribed.

This act shall take effect upon its passage.

ARTICLE XVII. PERSONNEL BY-LAW

SECTION 1. PURPOSE AND AUTHORIZATION

The purpose of the Personnel by-law is to establish fair and equitable personnel rules and regulations and to establish a system of personnel administration based on merit principles and ensures a uniform fair and efficient application of personnel rules and regulations. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law chapter 41, sections 108A and 108C.

SECTION 2. APPLICATION

All Town departments and positions are subject to this bylaw in its generality, but only those positions specifically names in the Rules and Regulations are subject to the provisions governing classification, compensation, leave, and other benefits.

SECTION 3. PERSONNEL BOARD

A. Composition, Mode A of Selection, Term of Office, Qualifications. There shall be a Personnel Board (hereinafter referred to as the "Board") composed of three members selected in the following manner:

The Board of Selectmen shall appoint three (3) members of the board for three (3) years overlapping terms.

1. The Board of Selectmen shall select one member from among its membership.
2. The Board of Selectmen may serve as the Personnel Board.

B. Powers, Duties and Responsibilities.

The Board shall be responsible for the establishment and maintenance of a personnel system based on merit principles, and the classification and reclassification of positions, an annual compensation plan, and the development of personnel rules and regulations pursuant to Section 5 of this bylaw.

SECTION 4. ESTABLISHMENT OF PERSONNEL SYSTEM

A personnel system shall be established by promulgation of rules and regulations pursuant to Section 5. The personnel system shall make use of modern concepts of personnel management and

may include but not be limited to the following elements; a centralized record keeping system; personnel rules and regulations indicating the rights and obligations of employees; disciplinary procedures; and other elements that are deemed necessary.

SECTION 5. ADOPTION AND AMENDMENT OF PERSONNEL RULES AND REGULATIONS

The Personnel Board shall promulgate personnel rules and regulations defining the rights, benefits and obligations of employees subject to this bylaw. Rules and regulations shall be adopted or amended as follows:

- A. Preparation of rules and regulations, the Personnel Board shall prepare personnel rules and regulations. Any member of the Board of Selectmen, the Personnel Board, department head, or any three employees, may suggest rules or regulations for consideration by the Board. The Board need not consider any proposal already considered by the Board in the proceeding twelve (12) months. Any person proposing new or amended rules and regulations shall provide the substance and the reason for the proposed rules and regulations or amendments to rules and regulations. Any proposed rules and regulations or amendments shall be posted at least ten (10) days prior to the public meeting in prominent work locations, and a copy shall be submitted to the Board of Selectmen.
- B. Public Meeting. The Personnel Board shall present the proposed rules or regulations and the purpose to such rules and regulations at the public meeting. Any person may attend the meeting, speak and present information. Within twenty (20) days after such public meeting the Board shall consider the proposed rules and regulations and determine whether to recommend that the rules and regulations be adopted, with or without modifications reject the rules and regulations, or indicate that further study is necessary.
- C. Recommended Policies. The board shall transmit any recommendations in writing including the text of any proposed changes in rules and regulations to the Board of Selectmen forthwith after any vote recommending the adoption of proposed personnel rules and regulations. The Board of Selectmen shall consider the recommendations and may adopt, reject, or return the recommendations to the board for further study. Rules and regulations shall become effective upon approval of the Board of Selectmen, unless some other date is specified.
- D. Posting of Rules and Regulations. The Personnel Board shall post the text of the adopted rules and regulations in prominent work locations.
- E. Official Record. The Town Clerk shall maintain a compilation of all personnel rules and regulations adopted by the Town.

SECTION 6. EFFECTIVE DATE

This bylaw took effect upon affirmative vote of Annual Town Meeting, May 9, 1997.

ARTICLE XVIII. CAPITAL PLANNING COMMITTEE

(Amended at Annual Town Meeting – May 10, 2002)

SECTION 1. The Board of Selectmen shall establish and appoint a committee of three to be known as the Capital Planning Committee. Beginning in FY 2003, one member will be appointed the years, one for two years, and one for one year. Thereafter, one member will be appointed or reappointed annually for a term of three years, thus assuring a committee with at least two experienced members. The Chair will be elected annually by a vote of all members of the Committee.

SECTION 2. The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:

- A. Are purchased or undertaken at intervals of not less than five years except for computers and related equipment.
- B. Have a useful life of at least five years; and

- C. Cost at least \$1,000.00 All officers, boards and committees, including the Selectmen and School Committee, shall, by January 1st of each year, give to the Committee information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town.

SECTION 3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen for its considerations and approval. The Board shall submit its approval of the Capital Budget to the Annual Town Meeting for adoption by the town.

SECTION 4. Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.